IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2513 of 1996

For Approval and Signature:
HONOURABLE MS. JUSTICE R.M.DOSHIT

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SECRETARY - Petitioner(s)
Versus
JAYESHKUMAR MANJIBHAI VASANI & 2 - Respondent(s)

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Appearance :
MS MINI NAIR, AGP for Petitioner(s) : 1, 1.2.1,1.2.2
Respondent(s) : 1-3 : SERVED
MR ANSHIN H DESAI for Respondent(s) : 2,

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CORAM : HONOURABLE MS. JUSTICE R.M.DOSHIT

Date : 02/07/2007

ORAL JUDGMENT

The petitioner-State Government has challenged the judgment and order dated 10th October, 1994 passed by the Gujarat Revenue Tribunal, Ahmedabad in Revision Application No.634/1993.

It appears that the dispute was in respect of a piece of land bearing Block No.335 of village Tajpur. By order dated 23rd November, 1992 made by the District Collector, Sabarkantha, the respondent no.1, a non-agriculturist was permitted to purchase the said land. The said order was challenged by the State Government in the above referred Revision Application No.634/1993. The said application has been dismissed by the Tribunal below on the ground of bar of limitation. Therefore, the present petition.

Mr.Desai has appeared for the respondent no.2, the vendor. He has submitted that the cause of action does not survive. The present petition has, therefore, become infructuous. He has relied upon the affidavit made by the respondent no.2-vendor. He has submitted that pending this petition, the respondent no.2-vendor has re-purchased the said land from its purchaser by a registered sale-deed dated 24th November, 2000. He has produced photo copy of the said sale-deed on the records of this petition.

In above view of the matter, the cause of action shall not survive. The petition is accordingly disposed of. Rule is discharged. There shall be no order as to cost. The petitioner-State Government shall have liberty to revive this petition in case of difficulty.

(Ms. R.M.Doshit, J.)

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